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IRISH CHURCH QUESTION

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IRISH CHURCH QUESTION.

SPEECH

DELIVERED IN THE HOUSE OF COMMONS ON MARCH 19, 1869,

BY THE

RIGHT HON. JOHN T. BALL, LL.D.

Member for the University of Dublin.

(CORRECTED.)

WITH AN APPENDIX.

London,
RIVINGTONS, WATERLOO PLACE;

HIGH STREET,	TRINITY STREET,
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DUBLIN: HODGES, FOSTER, & Co.

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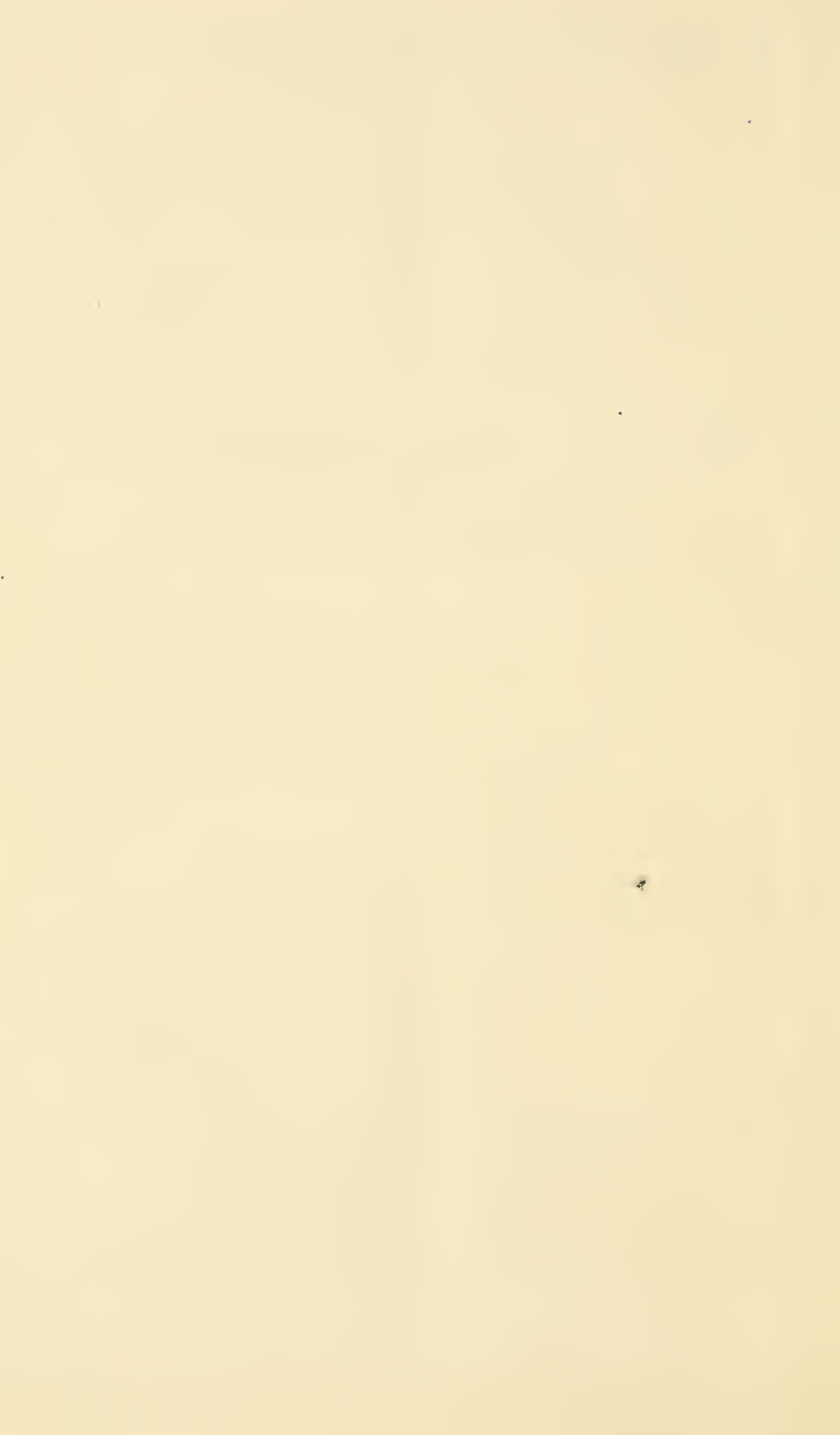
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SPEECH,

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MR. SPEAKER,

THERE are in Ireland three great religious denominations—the Protestant Episcopalian, the Roman Catholic, and the Presbyterian. These three denominations are so pre-eminent, not only in comparison with others, but intrinsically in themselves, in numbers, in intellectual cultivation, in social power and influence, as to induce the Dean of Westminster to view them as three Churches co-extensive with three nations, English Scotch and Irish in their origin, inhabiting the same country.

Of these three Churches one only, the Protestant Episcopalian Church, possesses separate property derived from public sources. The Presbyterian Church derives an income from an annual grant out of the revenues of the Imperial Treasury. The Roman Catholic Church has no income of any kind from property derived from public sources or from any contribution by the Imperial Government; but it does receive some pecuniary as-

sistance bestowed by the State towards the instruction and education of its Clergy.

Sir, I do not agree with the right hon. gentleman at the head of the Government, when he says that the grants to the Presbyterian Church and to the Roman Catholic College of Maynooth are connected with and designed to aid the maintenance of the Established Church in Ireland. I cannot accept his description of them as buttresses of that Church. Such expressions may have either of two meanings. They may mean that this is the only rational ground upon which a statesman could support these grants, or that historically, as a matter of fact, this was the ground upon which statesmen have given and supported them. I take issue in reference to both meanings; I controvert them both. I say that the grants to Maynooth and to the Presbyterian Church were made, not for this object, but in order, in the case of the former, to improve the education of the Roman Catholic Clergy; in the case of the latter to improve the social condition of the Presbyterian Clergy; by these means in both to elevate the standard of religious instruction; and I say, further, that no reason such as that which has been assigned by the right hon. gentleman, was given by the statesmen who originally proposed or since increased these grants.

Sir, the annual payment to the Presbyterians popularly known as the Regium Donum, owes its origin to King William III., who originally fixed it as a charge on the Customs of Belfast. That monarch was not animated in the slightest degree by the motive of raising up a protection for the

Protestant Episcopalian Church. He had, indeed, no special leaning to Episcopacy, and abandoned it with little reluctance in Scotland. He gave the grant, first, because in the contest between himself and James, the Presbyterians had adhered to him; and secondly, because educated on the Continent, and not much versed in our theological divisions, he had little preference for one system of Protestantism rather than another, and thought it was the duty of the nation to be on terms of alliance with all. The grant has been increased since the Union, and brought to its present amount by gradual accessions: but the interest of the Established Church was neither the real motive for the increase nor put forward as the reason.

The grant to the College of Maynooth was made by the Irish Parliament about five years before the Union. What grounds were assigned for the grant? The Irish Roman Catholic Clergy had up to that time been principally educated abroad. Mr. Pitt, Lord Castlereagh, and the Government of that day, feared that if this continued, they would during their education be exposed to the influence of Republican principles then prevalent on the Continent. To avert this, and provide the means of their education at home, the College of Maynooth was founded. Well, if such was its origin, what, let us inquire, were the motives for its increase? In 1813 the grant was increased, and what reasons were assigned for so doing? Certainly no such reason as the necessity for protecting the Established Church. The grant was described as a legacy bequeathed by the Irish Parliament along

with the Union: just as in 1812 Mr. Perceval explained his view to be that Great Britain was bound to it with the Union, adding that as the Irish Parliament had given the grant it was the duty of the Imperial Parliament to continue it. I now come to 1845, the last time when the question was before the House. On that occasion the abstract principles on which the Maynooth Grant ought to be maintained were developed, not only by that great statesman, Sir Robert Peel, who brought forward the measure, but also by the right hon. gentleman who is now at the head of Her Majesty's Government. Sir Robert Peel laid down precisely the same principles which I have just remarked ought to animate the House in dealing with these grants; viz. that they should be given in a large and generous spirit of confidence, for the improvement of the education of the Roman Catholic Clergy and the elevation of their social position. The right hon. gentleman the present Prime Minister himself took a prominent part on that occasion, and supported an increase of the previous annual allowance. He resigned office rather than, as a Minister of the Crown, bring forward the bill, in order that he might act in a more free and unfettered manner than he could have done if he had remained in office. I have read with great care the speech which the right hon. gentleman delivered on that occasion, and it appears to me to indicate a conviction in the right hon. gentleman's mind that the passing of that measure would be attended with another great result, and that it would be impossible to bring forward again in the parliament of England a mere

religious objection to the endowment of the Roman Catholic Church.

Sir, I take leave to add to the summary which I have given of the origin of the Regium Donum and Maynooth Grant, a word upon the mode in which the Established Church in Ireland derives its separate property. The right of the Protestant Episcopal Church to the tithe and land in Ireland arises from, and is founded upon, an Act of Parliament. It is a vulgar error to suppose that an Act was passed in direct words, saying in effect that we transfer from a religious body certain property—such religious body known as the Roman Catholic Church—to another religious body known as the Protestant Episcopal Church. That is not the frame of the Act—the second of Elizabeth—to which I refer. In effect it may have done this; but the mode of proceeding was by providing that the holders of benefices should conform to the Liturgy of the Prayer Book of the Church of England, and by obliging all lay persons to attend church every Sunday, when the service of the Church of England was performed. The result has been that the obligation of conforming to the Liturgy has existed from that hour to the present. The incumbents of benefices must necessarily be members of the Church of England, holding the same doctrine as that Church.

A word, sir, also, on the amount of the property of the Established Church in Ireland. Taking it from all sources it amounts to between 600,000*l.* and 700,000*l.* a year. The right hon. gentleman at the head of the Government seemed in his

statement to imply that the Church Commissioners had underrated it when they estimated it at 616,000*l.* But the mode in which they arrived at that sum was by subtracting from the tithe rent-charge the expenses of collection and the actual poor-rate which in 1866 was, according to the laws in force in Ireland, deducted by the landlords of Ireland from the incumbents. In the same report of the Commissioners you will find on the face of it that if you take the income without the deduction, estimating it, if I may so express it, as it comes from the soil, and include lands in actual possession of the incumbents, their estimate amounts to about 700,000*l.* a year. This income provides religious ministration for nearly 700,000 members in communion with the Establishment, spread over an area of about twenty millions of acres, and also maintains the fabrics of the churches, and supplies every requisite of divine service.

Sir, the Bill of Her Majesty's Government deprives the Protestant Episcopal Church of this property, terminates the grant for the Presbyterian Clergy, and withdraws all pecuniary assistance from the College of Maynooth. It affirms, in unqualified terms, as the principle of your ecclesiastical arrangements in Ireland, that no religious system shall receive any endowment whatever from public sources; that each and all shall henceforth depend and subsist exclusively upon voluntary contributions.

Before proceeding to consider the wisdom of this policy, I must express dissatisfaction with the way in which one part of the Bill has been introduced to the notice of hon. members—I mean that

part of it which relates to the preservation of vested life interests. I do not mean to contend that the Government have in so many words said, "We are acting with great generosity in dealing with these interests as we propose to do," but I do say that they have not, as explicitly as they ought, acknowledged that in preserving vested life interests they were doing nothing more than a simple act of justice. I challenge any hon. gentleman to adduce one sentence from any jurist or from any historian or statesman of authority relating to life interests, such as those with which this bill deals, that does not speak of them as being as sacred and as inviolable as the fee-simple which any individual proprietor in this House possesses. And while challenging a contrary authority, I shall cite in support of what I affirm, one whose writings are eminently characterized by a philosophic and expanded spirit,—Mackintosh,—who, when discussing the propriety of the conduct of Henry VIII. with respect to the monasteries, and under what circumstances property such as theirs might be dealt with, laid down that "the sacredness of the life estates is an essential condition of such a measure." It is, I say, a preliminary without which, except on pain of violating the first and plainest duty of a just ruler, you cannot move.

I divest, then, the discussion on which I am entering of all further consideration of the life interests of existing incumbents. I concede to you not the slightest acknowledgment of generosity on the ground of any provisions made for those who hold them, whether that be by strict legal proprietary

ownership, or, as in the case of the Presbyterian ministers and the professors and officers at Maynooth, upon a reasonable expectation of continuance by Parliamentary action—and I assert that your bill errs in the principle which it adopts, and fails in the adjustments of existing relations requisite for the introduction of that principle.

Sir, the principle involved in this bill is the principle of voluntarism; by which I mean that the State declares it has no connexion with any Church or other religious organization, either in the way of control or encouragement; that no endowment or pecuniary assistance derived from public sources shall remain with any Church or religious organization; that each and all must be self-governed and self-maintained.

Sir, it appears to me that the question which the House must at the end of this debate answer, is not merely whether the question of the Irish Church demands to be dealt with by express legislation, but whether in dealing with it we are prepared to introduce the principle of voluntarism as the guide for our ecclesiastical arrangements. True the bill is confined to Ireland, and its advocates limit their observations to Ireland; but can the consequences of the adoption of the principle of the bill be confined to Ireland? Consider the motives which induce you to review your ecclesiastical arrangements in that country; compare the position of your own Church Establishment and of the Scotch Church Establishment with the Irish Establishment. You allege as the motive for interfering in Ireland that a large majority of the population dissent from and are discontented with

the existence of the Established Church, that its social position and endowed wealth are both objects of jealousy to their sensitive pride. It appears to me that it is not merely because there is a majority—if the majority were reckoned by thousands you would not act—it is because the dissenting portion of the community amounts to a large number—to more than four millions. If that be considered a sufficient justification for such a measure as the present, let me ask how can we avoid reviewing our ecclesiastical establishments in Scotland and in England? What is the position of Scotland in this respect? We have an endowed Church there and a Free Church, nearly equal in numbers—in addition we have another Church of Presbyterians severed from both, and lastly a dissenting Church of Episcopalians. I am not aware there is more content in all the dissenting Churches of Scotland with the endowments of the Kirk, than there is amongst the Roman Catholic and dissenting bodies in Ireland in regard to the endowments of the Established Church. Look, then, at Wales. There the dissenters greatly preponderate. If so, why does not the reason on which you justify this legislation in regard to Ireland equally apply to Wales? Lastly, come to the endowed Church in England. The Establishment, no doubt, represents a majority; but the minority of Nonconformists is very large in number and very powerful in action. Its members seem to me animated by a stronger feeling of antagonism, and to manifest that antagonism by much more active measures against the Church, than the Roman Catholics in Ireland. Dealing with a mino-

rity not very much inferior in numbers to the majority, how are you to answer its demand of respect for conscientious scruples, and removal of social inequalities connected with religion, if you concede these as your motives of action? Indeed, for myself, I cannot understand how the principle of religious equality is at all affected by comparative numbers; or if it be a right, on what ground a denomination of one million or one hundred thousand is not as much entitled to it as one of four millions.

Sir, it is the nature of a principle of action capable of universal application, when once adopted, to propagate itself and grow and expand progressively. There is also a tendency in legislation to persevere in any direction once approved. Place any portion of the kingdom under any peculiar system, it will generally be found that this portion will desire the extended introduction of what has been imposed upon itself. I fear, therefore, that if this Bill shall pass, little support will be given from Scotland and less from Ireland to Establishments any where. Indeed, I see already in Ulster indications that those whom you are now despoiling of what they believe their rights, will endeavour to bring others into the same position in which they find themselves placed. Do not, then, imagine that you can confine your views to Ireland. Every where this is a period of transition, and the future must depend upon the principles you now adopt, and in which your example will inevitably educate the public mind.

Sir, at various times various plans have been put forward in reference to our ecclesiastical arrangements in Ireland, but until the resolutions of last

year in no instance was the voluntary system suggested. In 1800 Mr. Pitt introduced into the Act of Union a declaration that the Protestant Episcopal Church of Ireland was to continue one in doctrine, discipline, and government with the Church of England. Mr. Pitt, however, proposed to accompany this declaration with other measures. One was Roman Catholic emancipation, and the other was the endowment of the Roman Catholic Clergy and the elevation of their social *status*. Policy similar to Mr. Pitt's was advocated by Lord Francis Egerton in 1825, when supported by a large number, including some of the most eminent members, the noble lord induced this House, by a considerable majority, to declare that the State ought to make some contribution towards the maintenance of the religious teachers of the Roman Catholics in Ireland. Again in 1845 Sir R. Peel came forward in reference to the College of Maynooth, confirming, supporting, and by the weight of his great authority endeavouring to fix on the mind of the public principles in harmony with the policy originated by Mr. Pitt. And not only has no measure adopting the voluntary system ever until last year been proposed to Parliament, but until then this policy could not adduce in its support the name of any one worthy to be called a statesman, with the brilliant exception, I admit, of the President of the Board of Trade (Mr. Bright), or cite the name of a single great writer as its advocate. And when the right hon. gentleman at the head of the Government comes forward and announces this novel policy, we are led to inquire when he himself first gave his adhesion to it as the

true mode of adjusting our ecclesiastical arrangements. Sir, the right hon. gentleman in his Autobiography, a work characterized by all the eminence, and let me freely say the peculiarities of his genius, has given us a thread to guide us through the labyrinth of his political movements, and referred to his conduct in 1845 on the Maynooth Grant as the crisis of his political opinions, and to his speech on that occasion as an exposition of a change in them. Now having read that speech carefully, I think it points in the direction of endowment of the Roman Catholic Church, and not of the voluntary system. If that was not so, what was meant by telling the House, "I do not say that this grant virtually decides upon the payment of the Roman Catholic priests of Ireland by the State; but I do not deny that it disposes of the religious objections to such a project"?

Sir, I have said that the voluntary system has no great name but that of the right honourable gentleman the President of the Board of Trade to support it, along with the members of the Government who have since followed him in upholding this policy. It is equally remarkable that there is not a single European nation that has adopted it. Europe is at the head of the civilization of the world. It contains great varieties of government, of religion; it contains Protestant States, Roman Catholic States, free States, despotic States; but in not one have you the voluntary system established or recognized. Now when a totally new line of policy is proposed for adoption, it is no immaterial fact that all the weight of statesmanlike authority and the practice of all the most civilized Governments are against it.

Sir, the objections to the voluntary system have been so often stated, that I shall sum them up briefly. The voluntary system fails in securing either universality or permanence of religious ministration; and inevitably leads to a deterioration in the quality of the instruction given by that ministration. It fails, I say, to secure universality of spiritual care; for, as every one knows, each teacher under that system confines his attention to his own congregation, and consequently the mass of ignorance, and vice, and irreligion, which belongs to none, must remain neglected and unnoticed. It fails to secure permanence, because in periods of religious coldness and depression the voluntary system, which depends for its success upon the fervour of its supporters, grows with them cold, apathetic, and inefficient. The more man needs, the less he seeks, the religious teacher. Missions are supported not by those who receive but those who send them. Voluntaryism too deteriorates the quality of the instruction given, because it makes the teacher dependent on those whom he instructs, and obliged by the exigency of his position to reduce his tone of thought to their level, rather than to raise theirs to his. Able as the ministers whom it produces often are, very few of them are characterized either by independence of spirit or elevation of thought.

If the voluntary system is objectionable on these abstract grounds, it is peculiarly objectionable when you propose to apply it to an old country. We are all creatures of habit. Every man is influenced by the circumstances of the country in which he is born, the system under which he lives, the character

of the social life about him. The inhabitants of the old European kingdoms are not brought up accustomed to meet the demands of ministers who give religious instruction in return for voluntary contributions. They have no organization for such a purpose ; their habits are not trained to it. These general difficulties in the way of a successful working of the system apply to Ireland in common with other countries. There are some peculiar to itself. What is the acknowledged tendency of the voluntary system ? What do its advocates claim as a merit ? That it increases religious fervour. Why that is another way of saying that it magnifies theological distinctions, that it increases denominational differences, that it makes every sect an aggressor against its neighbouring sect, upon the subject of religion. To my mind the amount of theological strife and controversy which already exists in Ireland is among, not its advantages, but its misfortunes. The Government are about to intensify it. I agree with Archbishop Whately, when he said, “ introduce the voluntary system in Ireland, and you will have two great religious camps, with clerical sentinels pacing to and fro between them to prevent their followers straying from either to the other.” Again, there is a second reason why the voluntary system is peculiarly unsuitable for Ireland. One of its calamities is an irremediable calamity ; I refer to absenteeism. From that country is withdrawn the social influence of many large landed proprietors, and their incomes are expended by them elsewhere. Good landlords these absentee proprietors are ; admirable managers of their own estates ; but by no means equally ready

to contribute to objects of general bounty and benevolence. This absenteeism, I say, pre-eminently unfits Ireland for the introduction of the voluntary system. At present the tithe rent-charge operates as a sort of indirect tax upon the absentees, and by providing for a resident clergyman, in some degree, affords compensation to the country. You take that away. It will go to increase the wealth of the absentees; and in vain will you call upon them for an equivalent of voluntary contribution for the purposes of a religious instruction which they personally obtain elsewhere. Terminate the Establishment, and you lose the stipend of a resident gentleman in every parish; you lose the power of forcing the absentees through him to make some return to the soil, from which they extract so much, and for which they do so little.

Sir, we have been told in this debate of the success of the voluntary system in the Colonies. But is it certain that there is in any colony a purely voluntary system successful? In Canada, for example, the Church at this moment possesses very considerable endowments. First, the capitalization of the life estates of the clergy, under the colonial statute (from which the idea of the present policy was borrowed), realized, owing to peculiar local circumstances, a considerable property, not for the individuals, but the whole clergy. This property is now funded, and, owing to the high rate of interest in Canada, produces a considerable income. Again, in another particular, which has been by many overlooked, the Canadian Church is not altogether dependent on the voluntary system. The Clergy Reserves Act was not the only Act

in Canada dealing with the Church. An Act of George III. enabled the Crown to empower the Governor to found rectories and endow them with land and property quite apart from the Clergy Reserves. These rectories, or the property belonging to them, were never taken from the Church. At the date of Lord Durham's report there were fifty-seven such rectories, the entire number of clergy at present in Canada being about four hundred; how many more of these rectories were afterwards created I do not know. The property of these rectories has turned out valuable. Then other circumstances also contributed to the success of this plan in Canada. Previous to the passing of the measure, there had been meetings for some years in anticipation of it. No one, indeed, who had read Lord Durham's report, which was issued long before the Act secularizing the Reserves passed, could fail to see that at some period or other the Clergy Reserves would be dealt with. In anticipation, therefore, synods and meetings were held, by means of which voluntary contributions had been raised and accumulated for the benefit of the Church. From these various causes, the Canadian Church at this moment is not in the position to which you seek to reduce the Irish Church—namely, a Church dependent solely on the voluntary system. Then as to the colony of Victoria, I find in the Act regulating the Civil Service of that colony that 50,000*l.* a year forms a fund for public worship. Last year the Colonial Office made a return to this House of the incomes of the colonial bishops, and it appears that the Bishop of Melbourne is paid £1000*l.* a year out

of this Public Worship Fund. The same return shows that other Australian bishops receive an income from similar public sources. Therefore the Australian is not a system of entire and pure voluntaryism; and, if it were, I am not prepared, after having made inquiries of persons who have resided there, to point to the state of religion and the state of the ministers of religion in that colony, as an example for any country to follow. I admit that the United States of America afford an example of a perfectly voluntary system; but what is the condition of religion under it? I refer to Mr. Hepworth Dixon's account of the social condition of the country to answer that question. (*Dissent from the Ministerial benches.*) Well, if Mr. Dixon be rejected as an authority, refer me to any of weight which views the religious condition of that country as satisfactory. But it may be said why refer to foreign countries when there is an example of a voluntary system at home? The Roman Catholic Church is wholly maintained by voluntary contributions, without the slightest assistance from public sources. Living in habits of intimacy with Roman Catholics in Ireland, I shall take the liberty of speaking with perfect freedom on this question. No man who knows me will imagine that in what I say I, mean any disrespect to Roman Catholics or to the ministers of the Roman Catholic Church. And accordingly, using the liberty I have claimed, I say that some matters connected with that Church are not satisfactory, and originate, in my opinion, in its state of dependence upon the voluntary system. Exemplary

as are the Roman Catholic Clergy in Ireland, and zealous in the discharge of their duty, yet it is true that they are taken from a class of society to which I consider that the supply of religious instructors ought not to be confined. The religious teachers of a nation should represent every class; they should be on intimate and equal terms with every class. But among the parochial Roman Catholic Clergy of Ireland there are few of birth, or station, or high education. In the monastic orders, indeed, I have known several of high birth and station, and some possessing considerable property. Now what is the reason of this? I go abroad, and take the case of North Germany. I find there, among the Roman Catholic Clergy, many persons of family and education, and it is the same in other Continental countries. Then how are we to account for the different state of things in Ireland? Sir, the reason is obvious, persons of refined habits and culture reluctantly accept a position which compels them to exact small and minute payments from humble persons. In every Church I believe this feeling prevails. In every Church I believe that the class of persons entering the ministry will deteriorate the moment they are forced to exchange the independence of endowment for subsistence on bounty, and in order to extract that bounty, must descend to a subserviency of thought and opinion, often even to arts and practices, which an eminent French writer has not hesitated to characterize as a system of ecclesiastical mendicancy.

Voluntaryism then, I repeat, has nothing to recommend it any where, is peculiarly unsuited

to Ireland, and if introduced as the principle of ecclesiastical arrangement there, will spread its influence against all your other religious establishments. And it is, I own, this last consideration, this danger to the Church in England, which I believe imminent, that in my judgment makes the question now before the House of enormous magnitude, and the measure which has been proposed by the Government, the most important in its consequences of any that since the Union have been submitted to the Imperial Parliament.

Sir, I am of the number of those who attribute to the incorporation of religious influence with civil government, which is known as the union of Church and State, in no small degree the glory and the greatness of England. This it is which has infused into the public service the feeling that power is a trust, the exercise of power a duty, and that in respect of both there arises a responsibility to the great Author and Founder of society. I need not remind the House how this subject has been treated, and, like every other subject which he touched, exhausted by my great countryman, Burke,—how he has pictured the Commonwealth and all the offices within it thus consecrated by a sacred dedication, and likened the English Constitution to the Temple at Jerusalem, described by antiquity as at once a citadel and a shrine, the fortress of national power and the abode of national religion. Nor was it with unequal step that the right honourable gentleman the Prime Minister followed in the same direction, nor with less glowing language has he in treatises which will long outlive

the ephemeral breath of the lips, pictured the effect of this union of Church and State upon your social condition. I refer to them not in any spirit of reproach. He is unable longer to realize the vision of his youth. Beautiful but still a phantom, the utmost he can give the parting illusion is the homage of his respect. And therefore, restraining the rudeness of his followers, he exclaimed in the debates of last Session,

“You do it wrong, being so majestical,
To offer it the show of violence!”

Sir, in some such spirit, with some such thoughts, the Roman general of old entered that same august Temple, which furnished the magnificent image I have just cited to illustrate the union of the religious and civil element in Government, and, in the language of the ancient historian, beheld all void—“*nubem et inania arcana.*” Unseen by him the Divinity within; unrecognized that awful presence. Was it therefore the less real?

Sir, if we are to have an alliance of religion with the supreme governing authority, it is plain that the Protestant Episcopal Church affords the only means. Both Roman Catholics and Presbyterians repudiate the Royal Supremacy; and I must add that I do not understand with what reason those who forbid their own Churches to enter into alliance with the State—who do not endure that the patronage of their benefices should be at all distributed by the Crown, that their internal government should be regulated by Parliamentary interference,—I say I do not understand how they complain because the Protestant Episcopal Church, which does allow, and

not only consistently with, but as part of its tenets and system adopts State control, is united with the State. This seems to me a matter independent of the relative numbers of the religious bodies—a matter respecting which the State, if it is to have a State religion at all, has no choice; for, I repeat, there is no Church or creed other than the Protestant Episcopal Church with which the State can have relations of government and patronage.

Still less, sir, do I understand how the maintenance of an Established Church is inconsistent with a liberal and generous policy to other creeds and Churches. On the contrary, no Church can afford to entertain enlightened and enlarged views in the same degree as an Established. Every other is involved in a struggle for the retention or acquisition of followers. Every other has to draw a sharp and clearly-defined line of demarcation to separate its territories from those of others. And if we come to the conduct and opinions of the advocates of Establishments, I ask when have sentiments more enlarged and more generous towards those who dissent from us been uttered than by that great advocate of Establishments whom I have already cited, Burke, whose whole writings are a protest against religious intolerance of any kind; and who, I need not remind the House, has declared that, in subordination to the legal Establishments as they stand, the three religions prevalent in England, Ireland, and Scotland, should be all countenanced and protected?

Sir, I now come to consider the Bill which we are called upon to read a second time. No man can deny that it leads to an enormous change—a change

which must affect the whole social condition of Ireland; which (to confine attention for the present to one element of that condition) utterly alters the position of the members, both ecclesiastical and lay, of the Protestant Episcopal Church. Well, if that be so, in what spirit should such a change be effected? Earl Russell has answered that question. "When"—says that distinguished statesman in his letter to the Secretary for Ireland—"when a great establishment like the Church is to be disendowed, there are many considerations which enforce care, forbearance, and tenderness." Is that the spirit in which the provisions of this bill have been conceived? Let us see the amount still left with the Church. What has been done for her to mitigate or soften the doom which you inflict? I put aside the preservation of life interests. In dealing with them you have done nothing but what rigid duty demanded, and even that duty, at least in the case of the curates, you have discharged harshly. But what have you given the institution, the future clergy and laity who are to compose it? The churches! Yes, and you will find by a return of the Ecclesiastical Commissioners, printed in the Appendix of the Church Commission Report, that within no great number of years upwards of 600,000*l.* of private money have been expended on those churches, irrespective of the grants of the Commissioners, and irrespective of the restoration of St. Patrick's Cathedral; and if you add that confessedly those churches are unmarketable for any purposes whatever, we can estimate the extent of the bounty and beneficence

displayed in this gift. The glebe-houses! How are they dealt with? I certainly last year understood the Prime Minister to promise them. In a speech characterized by great ability and enlarged views which the right hon. gentleman the President of the Board of Trade made at Birmingham there is a declaration tending exactly in the same direction as that in which I understood the right hon. gentleman at the head of the Government to go, viz. that as an act of generosity these houses and their curtilages were to be given. But how do you now proceed to deal with them? A house, as every one knows, lasts only a certain period, requires to be perpetually renewed or rebuilt. What is the result? The charges on the glebe-houses in Ireland are found on examination to be—on the bishops' houses, 32,594*l.*; on the dignitaries' houses, 600*l.*; on the glebe-houses of the beneficed clergy, 198,781*l.*; the total charge being 232,335*l.* Pay that, and you shall have the houses. And what am I to pay that for? The Church Commissioners were unable to ascertain separately the value of the houses and curtilages, and for this reason, they were obliged to take the valuation in whatever form it existed in the poor-law documents and receipts; occasionally the Poor-law Commissioners value the house and garden, occasionally they value the house, garden, and demesne; at other times they value the entire farm, the house and garden, altogether. We therefore could not separate them. Now what is the entire value of all houses, curtilages, demesnes, and farms that are in the hands of ecclesiastics of the Established Church in Ireland? The poor-law valuation of

the whole is about 50,000*l.* gross, from which, if we deduct the poor-rate, the county cess, and other charges, there remains 32,000*l.* a year. The right hon. gentleman does not propose to give us this 32,000*l.* a year for the 232,335*l.* No such thing. He proposes merely to give us the house and what he terms the curtilage around it. I have no doubt whatever that what he proposes to give us for that sum, could be bought in the market for the same amount. Where is the generosity in giving that for which you take an equivalent? Well, but there is a third matter put forward as an instance of the large spirit that characterizes this measure, and on which the right hon. gentleman the Secretary for Ireland dwelt with emphasis last night. "We leave you," say the Prime Minister and the Secretary for Ireland, "the private endowments. See how generous that is. You remember that Henry VIII., founder as he was of the Reformation, did not do that. He made no distinction whatever between the endowments that came from private and those that came from public sources. We, not following in the footsteps of Henry, are willing to leave you the private endowments." But how are they left? Why the most rigid legal test is applied to them, and they must be dealt with according to the strict rules of the Court of Chancery. And how do you further qualify, restrain, and abridge the gift? You refuse to include in it private endowments prior to 1660. What is the reason for the assignment of that date? I must say it is entirely a new discovery to me, and I may be supposed to have some knowledge on the subject of the relation of the Church

of Ireland to the doctrines and discipline of the English Church, but to me it is entirely novel that the Church of Ireland first became in harmony and sympathy and union with the Church of England on the accession of Charles II. The right hon. gentleman says, that previous to that time the Articles in Ireland differed from those in England. It is perfectly true that in 1615, in the reign of James I., Ussher, who was then Professor of Divinity in Dublin College, drew up articles containing the doctrine of predestination more strongly and explicitly expressed than in the English Articles. Archbishop Ussher always asserted that those Articles did not differ from the English Articles; that they merely stated more plainly the doctrine of the English Church. If by that he meant that he stated doctrines reconcilable with the English Articles he was right. But if he meant that the English Church allowed no other, he was wrong: because the English Articles were drawn with the design of embracing as well the opinions of Calvin and Augustine as the opinions of the opposite school of theology. But it is not true that you could not then, or cannot now, be a member of the Church of England and hold every Article that Ussher held. But, putting aside their theology, what are the facts about these Articles historically? When Strafford came to Ireland he opened a correspondence with Archbishop Laud about them. The result of that correspondence with Laud, whose views were directly opposed to those of Ussher, was that Strafford objected to the Articles, and in 1634, mainly by the influence of Archbishop, then Bishop, Bramhall,

a canon was passed declaring that the Articles of the Church of England were the Articles of the Church of Ireland, and from that day to the Subscription Act of 1865, not the Thirty-nine Articles, but the canon of 1634 was subscribed by every person ordained to Irish orders. Why is 1660 to be adopted as the date, whilst 1634, even if you proceed according to the result of this theological inquiry, is in point of history and of fact the date of the adoption of the precise form of the English Articles? But let me ask, why should such an inquiry be made at all? Where will it lead you? By the 13th of Elizabeth, as has been pointed out by the Dean of Westminster, it is provided in England that clergymen not episcopally ordained shall be admitted to benefices in the English Church on subscribing not the entire but a portion of the Articles, and prior to the reign of Charles II. Presbyterians held by virtue of this statute benefices in the Church of England. Are you prepared to adopt the principle that the Church of England exists only from the reign of Charles II.?

“*Quam temere in nosmet legem sancimus iniquam.*”

But, sir, I am not disposed, no matter what the date fixed, to allow that the gift of private endowments is any thing on our part demanding an acknowledgment. There is not the slightest doubt that there have been vast private endowments in Ireland; but how are they to be proved? Where are the deeds? There is no register of deeds in Ireland before the reign of Queen Anne. The records of the ecclesiastical registries are ill-kept and seldom preserved. How, then, are you to enter into an inquiry on this subject?

You have no means but by statements of cotemporaries or historians, of which the account of Bramhall's munificence by Jeremy Taylor in his funeral sermon affords an illustrative example. Yet by the provisions of this bill all claims to private endowments are to be put to the strictest legal proof. I endeavoured in the Church Commission to ascertain as far as I could what private endowments there were capable of being proved by deeds in Ireland, and what is the result? In table thirty-three of the Appendix to the Commissioners' Report you will find the annual income from private endowments. It amounts to 6340*l*. These are recent endowments only, under the acts of George IV., William IV., and Victoria. In table thirty-four you will find the gifts of several bishops. But with these exceptions we were totally unable to obtain legal proof—that is, proof by deed—of private endowments.

Consider now the provisions applying to the Laity, as distinguished from those in reference to the Church of which they are a constituent portion. You propose that they shall henceforth support their Clergy; that they shall immediately find 232,000*l*. to purchase for them their glebes and houses of residence; that they shall keep the fabrics of the churches in repair, and find church requisites, demands which together now cost about 60,000*l*. a year; and, while imposing these new burdens, you demand that the land-owners shall forthwith redeem within a specified period the tithe rent-charge. Under such circumstances, surely liberality to those subjected to such new liabilities might have been expected. So far from being liberal, you are not even just. The landlord in Ireland, on

paying the tithe rent-charge, is entitled to deduct from the clergyman the full poundage of the poor-rate. I have ascertained the amount of this poundage for the year 1866, and out of the gross amount of the tithe rent-charge paid in that year to the incumbents, how much was deducted for poor-rate? Those ignorant of Irish taxation will hear with surprise 19,000*l.* The gross rent-charge from which this was deducted is 367,000*l.* So that the landlords have been accustomed to have a proportion of nearly one-twentieth of the poor-rate paid for them by the clergy. But when you come to deal with this matter in the Bill you ignore this circumstance altogether, and you charge them upon the whole gross amount of rent-charge without the slightest deduction for poor-rate. Now mark. If you were to attempt to sell this property in the open market to me or any one else, I would buy it at so much less, and with a deduction of one-twentieth part of the price. Then again, the arrangements for lending money to the land-owners press severely on this generation. They must pay back principal as well as interest, in order to hand down an unincumbered estate to the future; while the relief and assistance to the county rates, from the ultimate destination of the surplus of the Church property, must necessarily be remote, and can never benefit those on whom at once fall the immediate demands of this period of transition. If a benefit was to be conferred upon the land, it would have been better to give it at once, and let the present landlords, who must found a new provision for their Church, receive the pecuniary advantage which would assist them to do so.

I now come to the scheme for capitalizing the life estates, on which the right honourable gentleman relies to create and maintain a new ecclesiastical organization. The plan is that you give, or rather ask the Clergy to give, their life estates for the capitalized value of their incomes, which is to be handed over to the central representative Church body. But you do not furnish the Church body with any pecuniary guarantee from the State—you do not give them an independent fund at the back of the capitalized value to make the security perfect—you calculate the amount with mathematical accuracy and by the rigid rules of an actuary or notary. If your calculation is correct, the life interests of the Clergy will exactly exhaust the fund; if it should turn out to be incorrect—and let me tell you that the Clergy are not remarkable for the brevity of their existence—if that should happen, the whole capitalized value would be gone, and the longest livers of the Clergy would be left without the slightest means for their support. The whole of this might have been obviated had you placed at the back of this fund a large and substantial sum by way of guarantee for the permanence of the interests and for the security of the Church Body in its engagements.

Sir, I do not enter into the clauses relating to the future constitution and self-government of the Church, or the clauses in reference to the powers enabling future endowments from private sources, all of which appear to me not sufficiently affirming and enabling, because I understood the right hon. gentleman at the head of the Government, and the right hon. Secretary for Ireland, whose courtesy and

fairness in addressing the House last night I desire, on the part of the Church, to acknowledge—to have invited suggestions in committee in reference to these portions of the measure. But one matter connected with this part of the subject I cannot leave unnoticed. I ask in what position do you place the Sovereign by this scheme? Observe, you do not repeal the Acts of Henry and Elizabeth, and the whole code asserting the Royal Supremacy. In the language of those Acts Her Majesty continues and is the supreme head on earth of the whole Church of Ireland; enjoys the title, and the whole state, authority, and jurisdiction of that title. But you retain nothing except the title and the nominal pre-eminence, for all power is terminated. You proclaim, indeed, her authority, but withdraw the subjects of it, and “place a barren sceptre in her hand.” Yes, there is one power you do allow her, the power of recognizing and incorporating the Church body, if you can come to an agreement with that body. That and that alone is preserved.

Sir, I now ask what will be the effects of this bill upon the social and religious state and condition of the people of Ireland? I desire to look at this question impartially, and to answer it fairly. So looking, so answering, I feel bound to say that I feel grave doubts whether the new Protestant Episcopal Church of Ireland will be successfully organized. I doubt, unless the provisions of the Bill be greatly altered, whether that Church will be adequately endowed. I also doubt whether the Presbyterian Church will be adequately endowed

and sustained on the voluntary system, and for this reason, that even as that Church is now circumstanced, and receiving a large income from an annual Parliamentary grant, they have made repeated demands for increased assistance from the State. Lastly, I doubt whether the Royal College of Maynooth will be continued in the pecuniary position in which it ought to be. And why do I doubt? The sum which the right hon. gentleman estimates for Maynooth is about 400,000*l.* The interest of that in the funds will be 12,000*l.* Up to 1845 the sum voted for Maynooth was 9000*l.* What was the condition of Maynooth in 1845? In that year Sir Robert Peel read a petition signed by twenty-two Roman Catholic bishops, containing the following statements:—First, that the professors were inadequately paid; second, that there was a debt on the college of 4600*l.*; third, that they were obliged to send away their students for a considerable portion of the year, as they were unable to maintain them; fourthly, that they were obliged to send out the students only half-educated, to enter on the work of the priesthood; and, fifthly, that there was an insufficient supply of clergymen for the Roman Catholic Church. You had then Maynooth under the voluntary system assisted with 9000*l.* a year from Government. What will take place now under the voluntary system, with a greatly increased population, an increased demand for ministers, and a higher standard of education, and but 12,000*l.* a year from public sources? Why, you are at this moment obliged to admit that Maynooth, with its present endowment of 26,000*l.* a year, is in debt to the

Board of Works. I will go further. From all I hear, I believe that the standard of education in Maynooth requires to be improved and elevated, and that an increased, not a diminished endowment is what the circumstances of that college demand.

I say, therefore, that your scheme, your new policy, is a policy that will fail in the instance of every one of the religious bodies to which it is applied. I say it is singularly ungenerous to every system, and every creed; and when I say this, I am reminded of a test which has been more than once suggested for philosophical principles. Do they breathe of what is elevating, of what is generous, of what is liberal, or are they restricted, harsh, and severe? I propose this test to you as still more unerringly applicable to political measures; and I pronounce of the Bill—*nil generosum, nil magnificum sapit*—nothing is constructed, nothing is raised, nothing is benefited; all is proscribed, despoiled, degraded.

Sir, if this be so, if this be a just description of the present measure, was not the right hon. gentleman the member for Buckinghamshire (Mr. Disraeli) justified in asserting that the inevitable result must be universal discontent? The Clergy of every denomination will be discontented, because the sources of emolument have been taken from them. The laity will be discontented, because new and additional burdens are imposed upon them. Increased religious differences will spread. Increased bitterness of feeling in respect of them will spread. I know a little of theology, and there is one maxim held by every ecclesiastic, no matter what his Church, and

that is, that the withdrawal of property once consecrated to religious uses for secular purposes or persons is utterly unjustifiable. I am not aware of an exception; from the day when Archbishop Whitgift told Queen Elizabeth that the recipients of ecclesiastical property were the eagles in the fable who carried home a prize with a burning coal within it to consume their nests, to the last pastoral in which Pope Pius denounces the sacrilegious conduct of the Governments of the Continent in spoliating Church property. But in truth are these views peculiar to ecclesiastics? Not at all. Let any man examine the discussion by Sir James Mackintosh in his history as to the conduct of Henry the Eighth towards the monasteries, and consider the views of that philosophic writer, and he will see how difficult it is to reconcile with any theory of the rights of property the appropriation by the State of what has been once dedicated to the maintenance of religious services. Even Henry in his confiscations paid homage to principles which he found fixed in the public mind, and on the face of every one of his statutes represents that the monasteries had voluntarily surrendered their houses and lands. Nay, so conscious are the framers of the present bill of the force of this objection to it, that they select their distribution of the surplus with a view to mitigate it: charity and the relief of suffering and affliction having in themselves somewhat of a religious character.

Sir, I repeat that there will be universal discontent. True, the Roman Catholic Clergy for the moment are appeased—and why? not for benefits to themselves, but because their rival is dethroned.

And do you imagine that you can found permanent gratitude and friendship on such feelings? No; not twelve months will elapse before you learn that they attribute to your respect for Scotch and English Nonconformist opinion the fall of the Establishment, but to your enmity to their Church the secular destination of its property when it had fallen.

Sir, the care of lunatics, the maintenance and reformation of juvenile thieves and misdoers, the relief of persons afflicted with unavoidable suffering—all these are undoubtedly excellent objects, but there is one evil consequence which follows large endowments of this character not raised by taxation, and that is, that the demand increases with the supply; and as we have now two great reformatories for male and four great reformatories for female juvenile offenders, presided over by Roman Catholic ecclesiastics and religious ladies, I believe that in the future you will have these institutions fourfold multiplied and increased. So as to all the other charitable objects. They will increase in number, in extent, in expense. The county rates will remain as high and as oppressive as ever.

Sir, I believe that this measure will give a great shock to the feelings of the community in respect of property. The reverence for its sacred inviolability which every wise statesman fosters as an instrument of government, is rudely touched. I am aware that distinctions are drawn between private property and property public in its object and its sources. I know that Sir James Mackintosh is of opinion that when the State changes its religion, there being no reversion reserved by the donor expectant on that con-

tingency, the State may confer the old endowments on the new creed. I know that Earl Russell, following Hallam, says that the individual has an heir who cannot without injustice be defrauded; but corporations have no heir, and the succession may be intercepted. I doubt that any one in this House when he hears these distinctions, and they are all that the ablest thinkers have produced, is quite satisfied with them. But what if you are satisfied? What if all this be so? Has the Irish farmer or peasant read Mackintosh, Earl Russell, or Hallam? No—and if he had, your theories are for him immeasurably too subtle. The facts suffice him. The Protestant Church acquired its property by the Act of Elizabeth, by the grants of James and Charles; the Protestant landlord acquired his by the Act of Settlement, by the patents of the same James and the same Charles. A breath made both, and a breath can unmake both.

Sir, it is for these reasons I oppose this bill; no message of peace, conciliation, agreement of classes and creeds; rather the source and fountain of new discontent, dissatisfaction, disunion; the beginning and the precedent of extended social change. But, while I so oppose it, I desire to disclaim any want of sympathy with my Roman Catholic and Presbyterian brethren. I disclaim any, even the slightest, disrespect to their systems of religion. I believe the maintenance of an Established Church consistent with the most liberal appreciation of their claims. I derive assurance for that belief when I find it shared by every great statesman of the past. Yes; ours is no new policy, born of the exigency of the moment.

The marvellous wisdom of Burke, the presiding and commanding genius of Pitt, the vast political experience and sagacity of Peel, have alike sanctioned it. Supported by their authority, feeling confident that the principles by them transmitted are as just as they are expedient, we defend the institutions which they upheld, and refuse to abandon the most sacred and venerable of them all in the hour of its danger and its need.

APPENDIX.

I.

THE *net* annual produce and value of the entire property of the Established Church in Ireland, including the houses of residence and the lands in the occupation of ecclesiastical persons, is stated in amended tables annexed to the Report of the Established Church (Ireland) Commissioners (Appendix, page 249), to be as follows:—

1. From all sources, except houses of residence and lands in the occupation of ecclesiastical persons	£584,688
2. Annual value of houses of residence and lands in the occupation of ecclesiastical persons	32,152
	<hr/>
	£616,840

Item 1 in this calculation is ascertained by deducting, from the gross amount of tithe rent-charge payable by all the tithe payers, the poundage which the law allows the tithe payer to deduct from the ecclesiastical incumbent, and 5*l.* per cent. for the expense of collection; and by deducting from the rents of lands received by ecclesiastical persons the deduction for poor-rates which the law allows every tenant to make from his landlord, and by also allowing 5*l.* per cent. as receiver's fees for collection. A tithe payer is allowed in Ireland to deduct from every pound which he pays the clergyman the full poundage of the poor-rate struck. Thus if the rate happens to be 5*s.* in the pound, he may deduct 5*s.* out of every pound he is paying. A tenant deducts from his landlord not more than half the rate. The gross amount of tithe

rent-charge payable to ecclesiastical owners (including the Ecclesiastical Commissioners) appears to be about 404,637*l.* a year; from which, in the year 1866, the deduction by the tithe payers in respect of poor-rates, came to about 21,025*l.* The gross rental of all lands belonging to the same owners, which are let to tenants, is about in round numbers 220,000*l.* a year; the deductions for poor-rate, so far as reported, were above 4000*l.* a year. The income from other sources—such as, government stock arising from investments by the Ecclesiastical Commissioners of the price received from the sale of perpetuities to the tenants of Church lands, grants from private bounty of government stock, or annuities charged on lands, and such annual payments as the lay impropiators are bound to pay for the discharge of spiritual duties in the impropriate parishes—amount to about 15,530*l.* a year. The value of the houses of residence, and demesnes, and glebes, in the hands of ecclesiastical incumbents (including Bishops) is, according to the Tenement valuation for Ireland (a valuation by public authority for purposes of local taxation), about 50,237*l.* a year; the poor-rate and other local assessments paid for these was in 1866 about 18,086*l.*, leaving the *net* value 32,151*l.*, which is, however, subject to building charges secured by mortgages of the benefices, or other securities on them, of 232,335*l.* The proportion of this value which belongs to parochial incumbents is, *gross*, 45,226*l.*; *net*, 28,143*l.*: and the proportion of building charge payable in respect of this is 198,781*l.*¹

The revenues of the Church are received by (1) the Bishops; (2) Cathedral Dignitaries; (3) Cathedral Corporations; (4) Beneficed Clergy; (5) Ecclesiastical Commissioners. There are two Archbishoprics, ten suffragan Bishoprics, 1518 benefices with incumbents, including in this term perpetual curacies, thirty corporations of Deans and Chapters, twelve minor Cathedral Corporations, thirty-two Deans and thirty-three Archdeacons. Charging the ecclesiastical persons with the value of their glebes, demesnes, and houses of residence, the annual *net* revenues enjoyed by these different classes of ecclesiastical owners may be stated as follows:—

¹ See tables annexed to the Church Commissioners' Report, i., ii., iii., iv., v., vii., and Schedule xi., p. 601, and in the Appendix to it, Table xl., and Return U, p. 134.

Archbishoprics and Bishoprics	£58,000
Beneficed Incumbents, after allowing for actual payments in 1866 to Curates, and making an allowance for the rent of a house, when there is no glebe-house	367,279
Corporate property of capitular bodies	19,546
Income received by Ecclesiastical Commissioners	113,662

Besides the benefices, there are ninety parishes suspended under the provisions of the Church Temporalities' Acts; the emoluments of which are part of the income of the Ecclesiastical Commissioners, who provide by payment of curates or neighbouring clergymen for their spiritual care; and sixty-four parishes impropriate without vicar or endowed curate.

The entire number of members of the Established Church, according to the Census of 1861, was 693,357; and the entire area of Ireland, with which the parochial system is co-extensive, comprises 20,701,346 acres.

Of the benefices with incumbents there are 300 under 100*l.* a year *net*, 420 have 100*l.* and not 200*l.*, 355 have 200*l.* and not 300*l.* a year, and the remainder, 440, are above that amount, only nineteen exceeding 900*l.* a year, and none exceeding 1100*l.* a year.

The same benefices classified according to Church population ascertained by the Census of 1861 are as follows:—

Upwards of 1660.	500 and not 1000.	200 and under 500.	100 and under 200.	40 and under 100.	20 and under 40.	Under 20.
181.	217.	340.	251.	288.	110.	91.

It is to be observed that this statement of the Church population is given by the benefices with parishes or districts annexed, and not by parishes. The number of parishes is according to the Ordnance Survey, 2428; whereas the number of benefices is 1518. The former represent the original ecclesiastical divisions of the country, and are now mere geographical distinctions. The latter are of course the real existing ecclesiastical divisions, under the parochial system of the Established Church, and it is these, and not the old parishes, which should be considered when estimating the extent of work and care allotted to each individual incumbent. In

the system of the Roman Catholic Church as now constituted, the number of parochial divisions adopted bears a proportion to the original number of parishes even less than in the Established Church; the number being, according to Thom's Directory for 1868, about 1070. But the number of curates in the Roman Catholic Church is greater than in the Established. The difference in the two systems of Ecclesiastical arrangement may be attributed, partly to the Roman Catholic Church being obliged by its dependence on voluntary contributions, in order to obtain sufficient support for its parish priests, to enlarge the areas from which they respectively derive it, and partly to the difference in character of the two religions; the Protestant fostering a spirit of independence, and a desire for freedom from control, which display themselves in the subdivision of the country into a number of small independent benefices; the Roman Catholic a spirit of submission and obedience, which renders its Clergy not reluctant to accept the more subordinate position of curates.

II.

So little, prior to the Resolutions of last year, had any indication appeared in favour of the Voluntary system from the leaders of the Whig party, that Earl Russell and Earl Grey (*magis pares quam similes*)—who, by long services, public and parliamentary influence, intimate acquaintance with all the traditions of policy adopted by the party, are justly entitled to be considered its Chiefs—both, so late as the spring of 1868, express opinions unfavourable to it.

Earl Russell, on February 3, 1868, in his first letter to Mr. Chichester Fortescue, says, "The destruction of the Protestant Church in Ireland, the withdrawal of the grant to Maynooth and of the Regium Donum to the Presbyterians of the North, together with a refusal of all subsidies by the State towards the building of Roman Catholic churches, and furnishing glebes and incomes to the Catholic Clergy, would be a misfor-

tune for Ireland. It would manifestly check civilization and arrest the progress of society in the rural parts of Ireland" (p. 66).

Earl Grey on March 26th, 1868, in his letter to Mr. Bright, says,—

"There are a very large number of persons in this country, of whom I acknowledge myself to be one, who consider it of infinite importance to the highest welfare of a nation that by some means or other a large fixed income, not merely depending on the voluntary contributions of the passing hour, should be available for the religious instruction of the people. I regard it as a palpable and dangerous fallacy to affirm that those who require religious instruction and consolation ought to pay for it, and that the support of the ministers of religion ought to be left to be provided for by the voluntary contributions of their flocks."

The elaborate treatise on the Irish Church question of Sir George Cornewall Lewis (another Chief of the Whig party) is also opposed to the Voluntary system. He is particularly successful in distinguishing between objections to Voluntaryism founded on its not furnishing a sufficient supply of religious ministration, and those which are founded on its furnishing a supply inferior in quality. The former he does not adopt: "Our objection," he says, "to the Voluntary system is not that it does not provide *sufficient* religion, but that it provides a *bad* religion!" He then, to establish this proposition, enters on a line of reasoning based both on the facts of history and the tendencies of human nature, the result of which may be summed up in a sentence, viz. that Voluntaryism tends to foster in Roman Catholic countries superstition, in Protestant countries fanaticism, in both priestcraft.

Lord Brougham, also, another great name among Liberal leaders, so late as 1861, in his Essay on the British Constitution sums up the question of an establishment in its favour, and gives as his decision, "That upon the whole there result greater mischiefs from having no establishment at all, and that the balance is sensibly in favour of such an institution."

III.

The only portion of Church property secularized in Canada were the "Clergy Reserves." These Reserves were not the exclusive property of the Protestant Episcopal Church. The Act 31 Geo. III. c. 31, which set apart for religious uses one-seventh of all waste lands disposed of by the Crown, gave them to the "Protestant Clergy;" and the word "Protestant" was ultimately held to include all denominations of Protestants. There were in Canada two other descriptions of ecclesiastical property, one belonging to the Protestant Episcopal Church and the other to the Roman Catholic Church, and neither were interfered with. The former was property which had been annexed to certain rectories created by Sir John Colborne under statutable powers enabling the Crown to authorize the Governor to constitute in every township or parish thereafter formed one or more rectory or parsonage, according to the Establishment of the Church of England. Lord Durham, in his Report, states that fifty-seven² had been created; and these and their emoluments were left with the Church. The latter is property which the Roman Catholic Church in Lower Canada (principally consisting of French settlers) retains. The Articles of the capitulation of Montreal had stipulated for the free exercise of "the Catholic Apostolic Roman Religion;" the treaty of Paris, 1763, had also guaranteed the French Canadians the liberty of "the Catholic Religion;" and either as a consequence supposed to be involved in this concession, or from policy, as Mr. Croker (*Quarterly Review*, No. 151, p. 261) seems to think, the Act 14 Geo. III. c. 83, gave the Roman Catholic clergy their accustomed dues and rights with respect to such persons as professed that religion.

The secularization of the Reserves was effected by a local Act (Dec. 18, 1854), which, after preserving all life interests, gave the proceeds of the Reserves, when sold, to the municipi-

² Sir Francis Hincks, in a tract on Canada published recently, says only forty-four of the fifty-seven were perfectly completed, p. 13.

palities. It contained a clause which enabled the "Governor-General, with consent of the parties and bodies severally interested, to commute with said parties the stipend to which each was entitled for life, for the value thereof."

The Bishops and Clergy (with one exception) all commuted, and the capitalized value was paid over in each diocese to an incorporated Church Society; which, in return, guaranteed to the Clergy their full stipends during their lives and while serving in the diocese where they were resident, when effecting the commutation. In a paper read by Mr. Gilson, formerly an Archdeacon in the Canadian Church, before the Church Congress in Dublin (October, 1868), it is stated that the whole amount thus received by all the diocesan incorporated Church Societies was 275,851*l.* British currency.

This sum has been preserved as a fund for the Church; and its income applied towards maintaining the Clergy without infringing upon the capital. But several circumstances combined to enable this result to be obtained. (1) Money bears a very high rate of interest in Canada. The Clergy Reserves' Act itself values it at 6*l.* per cent. (2) The rectories of Sir John Colborne were not touched. (3) Voluntary contributions and gifts had, previous to, and in expectation of the secularization of the Reserves, been collected. And, lastly, the Reserves, while in the hands of the Clergy, had not realized their proper value; the Clergy, not having the requisite capital and skill to reclaim and improve them, and being unable to find tenants for them who had such resources, as of course it was more profitable to obtain a grant in fee of the neighbouring waste from the Government than to rent the Reserves for a terminable tenure.

In the colony of Victoria the Constitution Act, 19 Vic. (1855), provided a sum of 112,750*l.* a year for the Civil List, of which 50,000*l.* is thereby given as a Public Worship Fund. According to a return of the Colonial Office to the House of Commons, presented May 12th, 1868, the Bishop of Melbourne receives 1000*l.* a year from this fund. The Bishop of Sydney derives 1500*l.* a year from a Public Worship Fund granted by the local Constitution Act, 18 & 19 Vic. c. 54, and 500*l.* a year from glebe-lands, secured by Act of the Colonial Legislature to the Bishop and his successors for ever. The Bishops of

Calcutta, Madras, and Bombay receive, the first 4000*l.* a year, the other two each 3000*l.* a year, and the Bishop of Ceylon 2000*l.* a year; all from the colonial revenues. The Clergy to the number of thirty-two senior and forty-five junior chaplains in the diocese of Calcutta, of nineteen senior and twenty-one junior chaplains in the diocese of Madras, and of fourteen senior and fourteen junior chaplains in the diocese of Bombay, receive stipends from the colonial revenues.

In others of the colonies the Protestant Episcopal Church is maintained partly by endowments from private bounty, partly by pew-rents, and partly by voluntary annual subscriptions; but in none of these upon an extensive scale.

IV.

The statement (at page 19) in reference to the religious condition of the United States has been since controverted. I add, therefore, some additional remarks.

By the official census of 1860, it appears that the entire population was 31,443,321; that the number of churches was 54,009, capable of containing 18,974,576 persons, and averaging, as the official report states, one to every 584 individuals³. But as Mr. Jennings⁴ in his able work remarks, "something more than the means for the outward observance of religion is needed to show the full working of the voluntary principle." The result of this further test will be seen by some extracts from his treatise. "In the older towns," he

³ See statistics of the United States in 1860, compiled from the original returns, and being the final exhibit of the eighth census, under the direction of the Secretary of the Interior. Washington Government Printing Office. 1866.

⁴ Eighty years of Republican Government in the United States, by Louis J. Jennings. London. John Murray, Albemarle-street. 1868. There seems no reason for supposing that Mr. Jennings, from theological bias, has coloured his statements. On the contrary, he appears to be not favourable to the union of Church and State; and at the close of his chapter on the Voluntary principle in religion, controverts Lord Brougham's objections to it, and sums up, "The Voluntary system in America works well for the people, but ill, in many cases, for the teacher."

says, "every denomination is rich enough to maintain its ministers in comfortable circumstances; but in scantily-populated rural districts, as in new settlements, religion starves" (p. 193).

Again, at p. 195 he says,—

"‘Ministers of the gospel,’ said Cotton Mather, ‘would have a poor time of it, if they must rely on a free contribution of the people for their maintenance.’ And they have ‘a poor time of it,’ as a rule, except in large cities or rich parishes. Very many ministers of the Baptist persuasion receive no salaries at all, and earn a living how they can. The average salary of ministers of all denominations is estimated to be about 400 dollars a year. The average in the Episcopal Church is 350 dollars. The Episcopal Bishop of New York⁵ is said to be the highest paid religious functionary in the country, and he receives 6000 dollars a year. ‘No men amongst us,’ says Dr. Belcher, ‘work harder, no professional men are so poorly paid for their work. Financially they rank upon an average below school teachers.’ Sometimes a popular preacher in a large town will draw so great a throng of listeners, that it is worth while to let the pews by auction, and thus a considerable income is secured. But such cases are rare, and the Clergy in nine cases out of ten are badly off. The consequence is that the reservoir of ministers of the gospel is the poorer class of artisans, and even in flourishing cities men of the rudest education are sometimes found in charge of large congregations.”

Mr. Jennings refers in corroboration of his statements to Baird’s *Religion in America* and Belcher’s *Religious Denominations in the United States* (Philadelphia, 1854).

With respect to the moral and intellectual standard of religious teaching Mr. Jennings says,—

"Perhaps in no country in the world is the pulpit used for hustings' purposes so systematically with the general encouragement of public approval as in America. The Almighty is constantly exhorted to compass the return of the popular candidate, and the misery and discomfiture of his rival. The morning sermon in some churches is a diffuse essay upon the events of the day, in which the Divine approval is announced of certain political opinions. New England preachers address their hearers, in a time of excitement, as if from the stump. The Chaplain in Congress, during 1865-67, prayed daily against the President, ‘that he might be humbled and cast down,’ and that his own party might be covered with

⁵ In the late debate Sir Roundell Palmer showed that the Episcopal Church at New York retains a large landed endowment, from a grant of George III.

great glory. The best known preacher in America gains his notoriety solely by the freedom with which he discusses on Sunday morning from a text of Scripture the acts of public men, and the turn affairs are likely to take. There is probably no good reason why it should not be so; but there is certainly no reason why the fact should be denied. Religion will always influence the course of human affairs, and in America it will interfere in politics all the more energetically, because it is not in any way dependent upon the State, but is free to speak openly and without fear of losing its allowance. The preacher accommodates himself to the taste and wishes of his congregation, and if they demand from him matter which would be more suitable in the columns of the Sunday newspaper, they will have the article, or turn him out and elect another man willing to supply it."

V.

The Free Church in Scotland has been cited by Mr. Bright as an instance of the triumphant success of the voluntary principle. To say nothing of the peculiar circumstances of that secession, and the difference pointed out by Sir Roundell Palmer between a religious body voluntarily, and with all the zeal which accompanies an act prompted by religious conviction retiring, and one against its will deprived of its property and position—is it certain that this instance is clearly decisive in favour of Voluntaryism? If any man pre-eminently deserves to be designated the head and moving source of this secession; if any man more than another was instrumental in whatever success it has attained—that man was Dr. Chalmers, and what does he say?

"I can afford to say no more than that my hopes of an extended Christianity from the efforts of Voluntaryism alone have *not* been brightened by my experience since the disruption. We had better not say too much on the pretensions or the powers of Voluntaryism, till we have made some progress in reclaiming the wastes of ignorance, and irreligion, and profligacy, which so overspread our land; or till we see whether the congregational selfishness which so predominates every where, can be prevailed on to make larger sacrifices for the Christian good of our general population⁶."

⁶ See Life by Dr. Hanna. vol. iv., p. 488.

VI.

According to the statements of his biographer, Bishop Doyle, one of the most distinguished men who have ever taken orders in the Roman Catholic Church in Ireland, may be cited in support of the opinions expressed (at page 20) as to the effect of the Voluntary system upon the Roman Catholic Church.

“In his ‘Essay on the Catholic Claims,’ Dr. Doyle alludes to the motives which induced him to prefer the cloister to the mission: ‘Indeed as a clergyman,’ he writes, ‘I feel sensibly the evils which arise from a kind of eleemosynary support; it was one of the motives which disposed me, at an early period, to prefer a collegiate to a missionary life; and to the present hour it is one which deeply weighs upon my mind; it is one of the many misfortunes of my native land, which often cause me in silence and solitude to wish I were banished from her shores, and restored to that exile in which I spent my youth!’”—*Fitz-Patrick's Life of Bishop Doyle*, vol. i. 12.

Again, in the same work there appears an incidental illustration of the operation of the Voluntary system in limiting the supply of Clergy, and so lessening the leisure of each for mental cultivation.

“He (Bishop Doyle) was averse to theatrical elocution, and, except on rare occasions, to elaborate compositions; for in a country circumstanced as Ireland—where the priest, supported by the voluntary system, depends for subsistence on the beneficence of his flock—he saw the number of the priests should of necessity be limited, and if the priest spent a large portion of his time in the composition of his sermons, he could not discharge the other various and onerous duties which devolved upon him.”—*Life*, vol. i. 61.

VII.

The policy of concurrent endowment is indicated in one of Mr. Pitt's speeches (31 Jan. 1799): in which, after observing that after the Union many of the objections to the participation by the Roman Catholics of the privileges granted to

members of the established religion would be removed, he proceeds,

“How far, in addition to this great and leading consideration, it may be also wise and practicable to accompany the measure by some mode of relieving the lower orders from the pressure of tithes, which in many instances operate as a great practical evil, or to make, under proper regulations, and without breaking in on the security of the present Protestant establishment, an effectual provision for the Catholic Clergy, it is not now necessary to discuss. It is sufficient to say, that these and all other subordinate points connected with the same subject, are more likely to be permanently and satisfactorily settled by an united legislature than by any local arrangements.”

The secret history of the period has now appeared, and there is no doubt that private communications going much beyond these cautious public declarations and amounting to engagements for endowment were given by the Irish government with the sanction of Mr. Pitt. The late Knight of Kerry, in his letter to Sir Robert Peel in 1845, says,

“I hold in my hands a confidential letter from Lord Castlereagh, dated 22nd June, 1802, recognizing the pledges given at the Union to the Roman Catholics of Ireland, for which they gave valuable consideration in their support of that measure, and further instructing me to endeavour to reconcile the heads of their hierarchy to a delay in the performance of the engagements made to them by Mr. Pitt’s ministry for the endowment of their Church.”

Lord Castlereagh, in a speech in the House of Commons (20 May, 1810), says,

“Upon the ecclesiastical part of the arrangement, Lord Castlereagh was authorized in the year 1799 to communicate with the Roman Catholic Clergy. It was distinctly understood that the consideration of the political claims of the Catholics must remain for the consideration of the Imperial Parliament; but the expediency of making some provision for their Clergy was so generally recognized, even by those who were averse to concessions of a political nature, that a communication was officially opened with the heads of their Clergy upon this subject.”

The origin of this policy of an establishment with concurrent endowment of other religious systems, is generally attributed to Mr. Pitt and Lord Castlereagh, but in truth it had previously been not indistinctly suggested by Mr. Burke. To cite one of several passages to this effect in his

writings, he says in his letter to William Smith (afterwards Baron Smith),

“My humble and decided opinion is, that all the three religions, prevalent more or less in various parts of these islands, ought all, *in subordination to the legal establishments, as they stand in the several countries*, to be all countenanced, protected, and cherished; and that in Ireland particularly the Roman Catholic religion should be upheld in high respect and veneration, and should be, in its place, provided with all the means of making it a blessing to the people who profess it; that it ought to be cherished as a good (though not as the most preferable good, if a choice was now to be made), and not tolerated as an inevitable evil.”

The *Quarterly Review* (vol. exxvi., p. 559), asserts that this policy, thus inaugurated, has been ever since either openly advocated or secretly approved by every statesman of eminence. It certainly has had the open support of Lord Castlereagh, Lord Sidmouth, Mr. Canning, and Mr. Croker; it is indicated, if not fully developed, in the speeches of Sir Robert Peel and Mr. Gladstone on the Maynooth question in 1845; again in a speech of the Earl of Mayo in the debates on the state of Ireland in 1868, and still more recently in a speech of Sir John Pakington. The views of Sir George Cornewall Lewis, of Earl Russell, and of Earl Grey, adopt the principles of concurrent endowment, but propose means to carry them out, which neither Mr. Pitt nor Mr. Burke ever contemplated; these three authorities being prepared for that purpose to interfere with the property of the Established Church.

Among those who have advocated the policy of Mr. Pitt, I am not aware of any speaker or writer who has expressed himself so strongly as a prelate of the Irish Church, Archbishop Whately.

“The Archbishop (says Mr. Senior) has been reading my journal. The picture of the priests, he said, is melancholy, but, I fear, faithful. And we, the English people, are answerable for much of their perversion. When Lord Granville was congratulated on the approach of Catholic Emancipation—a measure which he had always supported—he refused to rejoice in it. ‘You are not going to pay the priests,’ he said, ‘and therefore you will do more harm than good by giving them mouth-pieces in Parliament.’ A priest solely dependent on his flock is, in fact, retained by them to give the sanction of religion to the conduct, whatever it be, which the majority choose to adopt.”

"The great merit of Mrs. Stowe's 'Dred' is the clearness with which this is exemplified in the Slave States. What can be more unchristian than slavery? unless, indeed, it be assassination. And yet a whole Clergy of different denominations, agreeing in nothing but that they are maintained on the Voluntary system, combine to support slavery!"—*Senior's Journals in Ireland*, vol. ii., p. 129.

Again at page 293, vol. ii., of Mr. Senior's Journal, occurs the following remarkable conversation between an Italian gentleman who is designated by the letter C., Mr. Senior, and the Archbishop.

"'Ireland,' said Mr. C., 'has lost the sympathy of Italy. We thought that the Irish were, like ourselves, an oppressed nation, struggling for freedom. We now find that they are quarrelling with England, not for the purpose of freeing the people, but of enslaving them; for the purpose of planting the foot of the Priest still more firmly on the necks of his flock, the foot of the Bishop still more firmly on the neck of the Priest, and the foot of the Pope still more firmly on the neck of the Bishop. We find that they would sacrifice to abject Ultramontaniam every thing that gives dignity or strength to human nature.

"'I deplore,' I said, 'the Ultramontaniam of the Priests as much as they do; but both the extent of their influence, and the evil purpose for which they employ it, are mainly our fault. By depriving the Roman Catholic Church in Ireland of its endowment, by throwing the priests on the people for their support, by forcing them to earn a livelihood by means of squabbling for fees, and by means of enflaming the passions, and aggravating the prejudices, of their flocks, we have excluded all gentlemen from the priesthood; we have given them a detestable moral and political education; we have enabled the Pope to destroy all the old liberties of the Irish Roman Catholic Church; we have made the priests the slaves of the Pope, and the dependents of the peasant.'

"'But,' said Mr. C., 'they have refused an endowment.'

"'It was never offered to them,' said the Archbishop.

"'They were asked,' said Mr. C., 'if they would take one, and they said "No!"'

"'Of course they did,' said the Archbishop. 'If I were to go into a ball-room and say, "Let every young lady who wishes for a husband hold up her hand," how many hands would be held up?

"'Give them an endowment; vest in Commissioners a portion of the National Debt, to be apportioned among the parish priests; let each priest know the dividend to which he is entitled, and *how* he is to draw for it, and protect it in its enjoyment from the arbitrary tyranny of his bishop; and you will find him no more bound by his former refusal, than one of my young ladies would feel that not holding up her hand had bound her to celibacy.

"'To do this,' he continued, 'would be not merely an act of policy, but

of bare justice. It would be paying Roman Catholic priests with Roman Catholic money. The taxes are a portion of each man's income, which the State takes from him, in order to render to him certain services which it can perform for him better than he can do for himself. Among these, one of the most important is the maintenance of religion and of religious education. This service the State does *not* render to the Roman Catholics, and so far it defrauds them!"

In the "Essays on the Irish Church," Mr. Byrne (the Dean of Clonfert), in a paper characterized by a high degree of philosophic thought, has advocated concurrent endowment. He observes that establishment by no means implies exclusive endowment; and so far from this, it may, in order to make the system complete, require to be supplemented by the endowment of other religious systems; and that the support of these several systems in this manner can impose no greater pecuniary burden upon the country than the support of the same by the voluntary system.

It is remarkable that, notwithstanding the weight of opinion in favour of this policy, it has only upon one occasion been submitted to Parliament in the form of a definite proposal. This was in 1825, when Lord Francis Egerton, then Gower (afterwards Lord Ellesmere), moved in the House of Commons a resolution "that it was expedient provision should be made by law towards the maintenance of the secular Roman Catholic Clergy exercising religious functions in Ireland." The division was 205 for, 162 against; giving a majority of 43 for the resolution.

VIII.

The first proposal for the College of Maynooth was made by Burke to Mr. Pitt. The College was, in its original constitution, open to lay students; and it is singular that an opposition to the scheme came from Roman Catholics, who objected to the exclusion of Protestants—"such exclusion (as is stated in a petition to the Irish Parliament numerously signed by Roman Catholics) tending to prevent that harmony, union, and friendly intercourse through life which might

be thus early cemented between the youth of different religious persuasions, the happy effects of which had been felt by the permission of having the Catholic youth educated in the University of Dublin⁷."

IX.

The entire passage in Mr. Gladstone's speech to which allusion is made at page 14 is as follows :—

"Failing then, Sir, to discover any principle so grounded, both in the convictions and in the constitution of the country, as to warrant the legislature in pursuing a course of exclusion with reference to the Irish Roman Catholics, and in pursuing it by the rejection of this Bill (the Bill for increasing the Grant to Maynooth), I must next proceed to avow my impression that the boon, to which I for one have thus agreed, is a very great boon. I think it important, most of all important, with regard to the principles which it involves. I am very far indeed from saying that it virtually decides upon the payment of the Roman Catholic priests of Ireland by the State; but I do not deny that it disposes of the religious objections to such a project."—*Hansard*, lxxix. 548.

X.

The statement, that after the fate of the Irish Church is decided, the religious Establishments in England and Scotland cannot escape parliamentary examination and revision for any long period, does not rest on mere speculation or reasoning; it is openly avowed by the advocates for the overthrow of the Irish Establishment.

Dr. Andrews, the Vice-President of the Queen's College, Belfast, in a pamphlet which forms one of the ablest contributions on the Liberal side to the examination of the question, says,—

⁷ Irish Parliamentary Debates, xv. 21, and *Quarterly Review*, lxxvi. 267.

“To declare that the fall of the Irish branch will not affect the stability of the Church of England is manifestly absurd. The arguments adduced in support of this paradoxical assertion will carry weight with none except those who are willing to be deceived. We are told it is a most serious grievance that one man in Ireland should have his clerical bill paid by the public; another a part of his bill; while six other men have to pay their own. It is no grievance whatever, we are assured, and nobody complains of it, that five men in England are so lucky as to have their bills paid, while three others are left to shift for themselves. But there are stratagems in political as well as in actual warfare; and to lull the defenders of an ancient stronghold into false security by pacific assurances is the usual precursor of an intended attack.”

Mr. Goldwin Smith in like manner has asserted that “in Ireland the great question of Church and State will probably be first raised with effect, and receive its most rational solution” (Irish History, p. 197).

Earl Russell also has expressed his opinion that the introduction of the voluntary principle in Ireland will lead to similar action in respect of the English Establishment:—

“With respect to the voluntary principle, I think that it is liable to insuperable objections. I do not think, in the first place, that it would promote the great object of establishing peace and harmony between various classes and denominations of people. Although the successors of the Protestant Clergy would lose their stipends by law, I do not think they would lose their zeal for the Protestant religion any more than is the case now with the Catholic Clergy. I believe, on the contrary, that the Clergy of the two denominations would contend more fiercely than they do now; and that is one main reason why I object to the voluntary principle. Also, I see no little danger in the proposition lately made by the honourable member for Montrose. If the voluntary principle were adopted in regard to Ireland, I do not see how we could long refuse an inquiry into the number of Dissenters in the United Kingdom, and the utility of the Church Establishment altogether.”—*Hansard*, 3 Ser. lxxii. 718.

Mr. Buckle, in his *History of Civilization in England*, vol. i., p. 385, note, appears to think that the fall of the English Establishment is not remote.

“According to a paper found in one of the chests of William III., the proportion in England of Conformists to Non-conformists was as 22½ to 1. Eighty-four years after the death of William the Dissenters instead of comprising only a twenty-third, were estimated at one-fourth of the whole community. (Bishop Watson’s Life, vol. i., p. 246.) Since this the movement has been uninterrupted; and the returns recently published by

Government disclose the startling fact, that on Sunday, March 31, 1851, the members of the Church of England who attended morning service only exceeded by one-half the Independents, Baptists, and Methodists, who attended at their own places of worship. If this rate of decline continues, it will be impossible for the Church of England to survive another century the attacks of her enemies."

XI.

The allusion by Burke in his "Letter to a Noble Lord," which is referred to at page 21, is to the description in Tacitus, "*Templum in modum arcis.*" The historical incident referred to at page 22 is in the same writer.

"*Romanorum primus Cn. Pompeius Judæos domuit; templumque jure victoriæ ingressus est. Inde vulgatum nullâ intus Deûm effigie, vacuam sedem et inania arcana*^s."

XII.

The reasoning of Earl Russell and Hallam to which allusion is made, is contained in the following passages.

Earl Russell, in the preface to a publication of his speech moving for an Irish Church Commission, June 24, 1867, after adverting to the proposition of Lord Derby, that the Irish Church has as much right to its property as the Duke of Bedford to Covent Garden and Woburn Abbey, proceeds,—

"If this objection is meant to place the right of the present Archbishop of Dublin during his life, and that of the present Duke of Bedford during his life, to property formerly held by the Roman Catholic Church on the same footing, I fully admit the right. But who are the heirs? The heir of the Duke of Bedford is known to the law, and will succeed as of course. The heir of the Bishops and Clergy of the Church in Ireland is the State. If the State chooses to dispose of the property in a different manner from its present appropriation, it has a full right to do so. If the State maintains the present appropriation, the heir of the Archbishop of Dublin is the man who, after a careful education, has embraced the clerical profes-

^s Tac. Hist. v. 9.

sion, and has so distinguished himself by his morals, his orthodoxy, and his learning, as to attract the preference of the First Lord of the Treasury, and obtain the favour of the Crown. But every man in Ireland—nay, every man in England and Scotland—may, upon these terms, look forward to be the heir of the Archbishop of Dublin. In other words, the nation at large are the heirs of the present holders of Church property in Ireland.”

The reasoning of Hallam is as follows :—

“I cannot, until some broad principle is made more obvious than it ever has yet been, do such violence to all common notions on this subject as to attach an equal inviolability to private and corporate property. The law of hereditary succession, as ancient and universal as that of property itself—the law of testamentary disposition, the complement of the former, so long established in most countries as to seem a national right—have invested the individual possessor of the soil with such a fictitious immortality, such anticipated enjoyment, as it were, of futurity, that his perpetual ownership could not be limited to his own existence, without what he would justly feel as a real deprivation of property. Nor are the expectations of children or other heirs less real possessions, which it is a hardship, if not even absolute wrong, to defeat. But in estates held, as we call it, in mortmain, there is no intercommunity, no natural privacy of interest, between the present possessor and those who may succeed him ; and as the former cannot have any pretext for complaint, if his own right being preserved, the Legislature should alter the course of transmission after his decease, so neither is any hardship sustained by them, *unless their succession has been already designated or rendered probable.*”

Without here entering into the question how far this line of reasoning affords satisfactory grounds on which to rest the abstract right of the State to deal with corporate or quasi-corporate property, whether lay or ecclesiastical, it may be observed in reference to the present measure, that it is very difficult to distinguish the claim of the Irish curates, perpetual and stipendiary, from the claim of Earl Russell's expectant heir of the individual. It is true no one curate has a right to expect any particular Bishopric or preferment. But surely the whole body of the 500 curates now in orders in the Irish Church, a large proportion of whom are young men, have a *spes successionis* to all its Bishoprics and emoluments ; nay, more, a certainty of succession incapable of being defeated under the ecclesiastical system upon the faith of whose continuance they, after an expensive education, selected their profession and have discharged its arduous duties, except by a large

enough number of others hereafter entering upon the same profession to fill all those offices and being preferred before them. And most unquestionably their case is distinctly within the qualification of Mr. Hallam, excepting from his principle the cases of those whose succession to property of the corporate character *has been already designated or rendered probable.*

In connexion with the views of Earl Russell and Mr. Hallam, those of Sir James Mackintosh in reference to the same subject deserve attention and comparison. After stating that all the property of the monasteries and other religious houses was vested in the king, Sir James Mackintosh proceeds,—

“ It may be a fit moment to pause here, in order calmly and shortly to review some of the weighty questions which were involved in this measure. There is no need of animadverting upon the means by which it was effected, though we must agree to the affirmation of a great man, ‘ that an end which has no means but such as are bad, is a bad end.’ But the general question may be best considered, keeping out of view any of those attendant misdeeds which excite a very honest indignation, but which disturb the operation of the judgment. Property is legal possession. Whoever exercises a certain power over any outward thing in a manner which, by the laws of the country, entitles him to an exclusive enjoyment of it, is deemed a proprietor. But property which is generally deemed to be the incentive to industry, the guardian of order, the preserver of internal quiet, the channel of friendly intercourse between men and nations, and in a higher point of view, as affording leisure for the pursuit of knowledge, means for the exercise of generosity, occasions for the returns of gratitude ; as being one of the ties which join succeeding generations, strengthening domestic discipline, and keeping up the affections of kindred ; above all, because it is the principle to which all men adapt their plans of life, and on the faith of whose permanency every human action is performed ; is an institution of so high and transcendent a nature, that every government which does not protect it, nay, that does not rigorously punish its infraction, must be guilty of a violation of the first duties of just rulers. The common feelings of human nature have applied to it the epithets of sacred and inviolable. Property varies in the extent of the powers which it confers according to the various laws of different States. Its duration, its descent, its acquisition, its alienation, depend solely upon these laws. But all laws consider what is held or transmitted agreeably to their rules as alike possessing the character of inviolable sacredness.

“ The Clergy, though for brevity sometimes called a corporation, were rather an order in the State composed of many corporations. Their share

of the national wealth was immense, consisting of land devised by pious men, and of a tenth part of the produce of the soil set apart by the customary law of Europe, for the support of the parochial clergy. Each clergyman had only in this case an estate for life, to which, during its continuance, the essential attribute of inviolable possession was as firmly annexed by law as if it had been perpetual. The corporate body was supposed to endure till it was abolished in some of the forms previously and specially provided for by law.

“For one case, however, of considerable perplexity, there was neither law nor precedent to light the way. Whenever the supreme power deemed itself bound to change the Established Church, or even materially to alter the distribution of its revenues, a question necessarily arose concerning the moral boundaries of legislative authority in such cases. It was not indeed about a legal boundary, for no specific limit can be assigned to its right of exacting obedience within the national territory. The question was what governments could do morally and righteously, what it is right for them to do, and what they would be enjoined to do by a just superior, if such a personage could be found among their fellow-men? At first it may seem that the lands should be restored to the heirs of the original grantor; but no provisions for such a reversion was made in the grant. No expectation of its occurrence was entertained by their descendants, no habit or plan of life had been formed on the probability of it. The grantors or founders had left their property to certain bodies under the guardian power of the commonwealth, without the reserve of any remainder to those who, after the lapse of centuries, might prove themselves to be their representatives. It appeared therefore meet and righteous, that in this new case, after the expiration of the estates for life the property granted for a purpose no longer deemed good or the best should be applied by the legislature to other purposes which they considered as better. But the sacredness of the life estates is an essential condition of the justice of such measures. No man thinks an annuity for life less inviolable during his life than a portion of land granted to him and his heirs for ever. That estate might, indeed, be forfeited by a misperformance of duty; but perfect good faith is in such a case more indispensable than in most others. Fraud can convey no title; false pretences justify no acts. There were gross abuses in the monasteries, but it was not for their offences that the monastic communities fell. The most commendable application of their revenues, would have been to purposes as like those for which they were granted as the changes in religious opinion would allow. These were religious instruction and learned education. Some faint efforts were made to apply part in the foundation of new bishoprics; but this was only to cover the profusion with which the produce of rapine was lavished on courtiers and noblemen, to purchase their support of the confiscations, and to ensure their zeal, and that of their descendants, against the restoration of popery⁹.”

⁹ History of England, ii. 218.

From the principles expounded in this discussion the present Irish Church Bill derives little support. It confiscates ecclesiastical property, and withdraws parliamentary grants to which lengthened continuance had given somewhat of the stability and certainty of the revenues of property, not for any abuses or offences of the persons or institutions entitled to them; and it applies the proceeds of the former to relieve the county rates, from the expense of lunatic asylums and reformatories for juvenile offenders, a purpose which differs little in its nature from conferring them "on courtiers and noblemen," and saves the amount of the latter to the general taxation of the country—"covering the profusion with which the first is lavished" and the selfish parsimony by which the latter is saved, with "a faint effort" to do something for charity by allowing an insignificant proportion to go in providing nurses for the sick, and homes for the dumb.

XIII.

The observation at page 31 that the clauses relating to the formation of a New Church are not sufficiently enabling—clause 19 of the Bill merely removing legislative prohibitions on the meeting of Synods—will be best illustrated by a comparison with the provisions for these purposes in the laws of some of the Colonies. In Canada, by 19 & 20 Vic. ch. 121, the Bishops, Clergy, and laity may meet in their several dioceses and frame constitutions and make regulations for enforcing discipline; and frame a constitution and regulations for the general management and good government of the Church. In Victoria, by the statute 18 Vic., No. 45, any Bishop may convene an assembly of the licensed Clergy and laity of his diocese, and every regulation of such assembly relating to Church affairs as defined, is made binding on the members of the Church in the diocese, the Clergy and laity voting separately.

In one particular, the legislation in these two Colonies differs materially. In Canada there is no provision preserving

either patronage or ecclesiastical jurisdiction to the Crown. In Victoria it is provided that no regulation should affect any right of appeal to her Majesty in Council, or to the Archbishop of Canterbury, or the Metropolitan of the Province without their consent previously obtained; nor unless confirmed by a subsequent order of the Archbishop of Canterbury; and also that no regulation should be valid which would alter or be at variance with the authorized standards of faith and doctrine of the United Church of England and Ireland, or alter the subscriptions and declarations required for the consecration of Bishops or ordination of the Clergy. It is also provided that neither the right of appointing Bishops, nor any other prerogative of her Majesty (save the advowson of Victoria), were to be affected.

What statute law effected for Victoria, has been attained in Canada by the Provincial Synod passing resolutions, which adopted the Canon of Scripture set forth by the Church of England, the Book of Common Prayer, and Thirty-nine Articles, and Church government by Bishops, Priests and Deacons; and declared that the Queen is rightfully possessed of the chief government and supremacy over all persons within her dominions, whether ecclesiastical or civil.

In connexion with the same subject, the legislation of the State of New York is deserving of attention. By the 35th article of the Constitution of 1777, all such parts of the Common Law and Statutes as might be construed to establish or maintain any particular denomination of Christians or their ministers, were repealed; but no grants of lands or charters made by the authority of the King or his predecessors were to be affected. By an Act passed 6th April, 1784, after reciting that the free exercise and enjoyment of religious profession without discrimination or preference had been ordained, and that many charitable persons were prevented from contributing to the support of religion for want of proper persons to take charge of their pious donations, and that many estates purchased and given to the support of religious societies, rest in private hands, to the great insecurity of the societies for whose benefit they were purchased or given, and that it was the duty of all free and virtuous governments to encourage

virtue and religion, and to enable every religious denomination for the decent and honourable support of Divine worship, it is provided that all religious denominations in the State might appoint trustees, who should be a body corporate for the purpose of taking care of the temporalities of their respective congregations. In 1795, an Act specially for the Protestant Episcopal Church was passed, which after reciting that the Act of 1784 exposed this Church to difficulties, provides in effect that each vestry constituted as thereby defined, should form a body corporate. These Acts have been followed by various other Acts both of a general character as to all religious denominations, and of a special character as to particular denominations. In these, limitations are imposed on the amount of property which may be held for the benefit of religion. The last Act relating to the Protestant Episcopal Church bears date 9th May, 1868, and provides that not less than six male persons of full age, belonging to any Church or Congregation in communion with the Protestant Episcopal Church, not already incorporated, may meet at any time at the usual place of public worship of such Church or congregation, for the purpose of incorporating themselves. It defines the qualification to vote, viz. belonging to the congregation and baptism or confirmation in the Church Episcopal, or receiving the communion, or purchase, or ownership, or hire of a pew in the Church, or contribution to its support for twelve months; and empowers the majority to determine the name or title of the Church or congregation; to provide for the annual election of two Churchwardens and not less than four, nor more than eight Vestrymen, who with the Rector (if there be one) are to form a vestry, and be trustees of such Church or congregation, and they and their successors are to be a corporation by the title chosen. Other statutes meet the special cases of other religious bodies with similar or analogous provisions. The proceedings of the meetings to incorporate are in all cases to be certified under the hands and seals of the persons appointed by the respective Acts, to the clerk of the county in which the Church, &c., is situate, and by him to be recorded.

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